

**HARRIS COUNTY BOARD OF COMMISSIONERS
APPEAL HEARING OF JANET (RODDY) PRATER
REGARDING CLASSIFICATION OF DOG
AS DANGEROUS DOG**

August 5, 2014
5:00 PM

Commissioners Present: J. Harry Lange, Joey Loudermilk, Becky Langston, Jim Woods. Suspended: Charles Wyatt. Staff Present: Greg Wood, County Manager; John Taylor, County Attorney; Nancy D. McMichael, County Clerk.

CALL TO ORDER. Chairman Lange called the Hearing to order, said that it was regarding the “dangerous dog” classification of a dog owned by Janet (Roddy) Prater, and asked John Taylor, County Attorney, to conduct the hearing.

HEARING. Mr. Taylor said that this is an appeal hearing under the Animal Control Ordinance regarding the “dangerous dog” classification of a dog under the Ordinance. He explained the procedures and definition of a dangerous dog.

Mr. Taylor submitted evidence Exhibits A-G, and then swore in Clyde Geter, III, Animal Control Officer, and Janet (Roddy) Prater. (Exhibits can be found in “Miscellaneous Document” file as MD# 14-15.)

Clyde Geter, III, Animal Control Officer, in response to questions from Mr. Taylor, explained that on June 17, 2014, he was approached by Jason Brown, complainant, in the courthouse, who said that his dog had been attacked on three different occasions by Ms. Prater’s dog resulting in severe injuries; that he was concerned for his children and the possibility of them being injured; that an incident report from the Sheriff’s office was done on May 20, 2013 regarding a previous incident involving Ms. Prater’s dog and that of Mr. Brown; that initially Ms. Prater’s name was Ms. Roddy and the dog was named “Brody”; that Ms. Prater renamed the dog “Jackson”; that Ms. Prater’s dog is a pit bull and has a vendetta against Mr. Brown’s dog; that there have been three different incidents involving the two dogs on April 5, 2013, May 20, 2013, and June 13, 2014; that the incident on June 13, 2014, involved the dog Jackson attacking the Brown’s dog, named Stafford, in which Jackson came onto the porch, attacked Stafford, who had been sleeping, and tried to drag the dog into the woods; that Ms. Prater’s has been paying the vet bills for Stafford; that as a result of his investigation, Mr. Geter said that the continued incidents of Jackson attacking Stafford warranted the classification of Jackson as a dangerous dog as defined in the Animal Control Ordinance; that a written notice of same was mailed to Ms. Prater on June 20, 2014; and that the appeal notice was received at the Commissioners’ office on July 2, 2014. There were no questions of Mr. Geter by the Board.

Jason Brown, complainant, appeared before the Board and was sworn in by Mr. Taylor, who then asked Mr. Brown to explain what happened. Mr. Brown said that the most recent incident is the third incident; that he is very concerned that his children could possibly be harmed by Jackson; that he does not want anyone to be injured in the event there is another incident; and he requested that the animal be “put down” before something worse happens. In response to questions from Mr. Taylor, Mr. Brown said that with the third incident, his wife called him at work and told him that Jackson had attacked his dog, Stafford, which is a yellow lab; that the last time (the second), Stafford had puncture wounds in his neck; and that his children witnessed the incident (June 13) whereby Jackson came onto the back porch and attacked Stafford. There were no questions for Mr. Brown from Ms. Prater.

In response to questions from Commissioner Loudermilk, Mr. Brown said the same dog attacked his dog all three times; that he had not witnessed any of the attacks; that his neighbor witnessed the first, his wife witnessed all three, and his children witnessed the third; that all three attacks on his dog, Stafford, took place either on his front or back porch; and that the vet bills incurred as a result of the attacks, Ms. Prater has paid each one.

Tiffany Brown, wife of Jason Brown, was called as a witness, appeared before the Board and was sworn in by Mr. Taylor, who then asked Mrs. Brown to explain what has happened between the two dogs. Mrs. Brown said that she has seen Jackson attack her dog, Stafford twice; that the first time she witnessed it, Stafford was asleep on the front porch, and she heard growling; that she went to the door and saw the two dogs fighting on the front porch; that she thinks the other dog is a pit bill, but isn’t sure; that the dog had Stafford around the neck and shaking it and then drug Stafford off the porch and into the woods; that Ms. Prater was able to get her dog off Stafford and leave; that she (Mrs. Brown) also called the Sheriff’s office at that time; that the last time, she was working (in the house) and her children were watching television; that they all heard noises and went to the back porch, where

Stafford had been sleeping; that Ms. Prater's dog had Stafford around the neck, was shaking him, and drug Stafford into the woods again; that Ms. Prater's boyfriend came and tried to find the dog; that Stafford was badly injured and is still not the same and has been on medication for almost a year (from the second incident); and that Ms. Prater has been paying the vet bills. There were no questions for Mrs. Brown.

Jeff Sharp, citizen and neighbor of Mr. and Mrs. Brown and Ms. Prater, was called as a witness, appeared before the Board and was sworn in by Mr. Taylor. Mr. Sharp said that he lives across the street from Ms. Prater and up the street from Mr. and Mrs. Brown; that there are two houses in between the Browns and Ms. Prater; that he witnessed two incidents; that the first attack he was outside with his family and saw Ms. Prater in the street, who he asked if all was okay, and Ms. Prater said that he was attacking another dog; that he got a stick, drove down to the Brown's, and in the backyard so that the pit bull, Jackson, had the other dog by the neck and was slinging him around; that he was finally able to get Jackson to release and both dogs ran off due to his screaming; that on another occasion, he and his family were in the yard; that Jackson got out again and came to the edge of his yard barking at him and his family; that he sent his family inside; that a deputy came out and basically said there was nothing to be done but if the dog came back into his yard to shoot him; that he did not witness the third attack. In response to a question from Chairman Lange, Mr. Sharp said that the dog, Jackson, is normally in the back yard in a fenced area.

Janet (Roddy) Prater, owner of Jackson, appeared before the Board, and Mr. Taylor to explain the issues between the dogs. Ms. Prater said that her dog loves all dogs, except Stafford, because the dog relieves himself in her yard; that her sister found Jackson, and he didn't bother her sister's dogs; that because he sister could not keep Jackson, she took him; that she originally wasn't planning on keeping him; that when he got loose, he ran all over the neighborhood; that the second time he got loose, he climbed the fence, which she had electrified and he no longer climbed; that the third time, she was out of town, there was a storm, and he dug out from under the fence; that she sits with other dogs and her dog doesn't bother those dogs; that her dog loves people a little too much; that she has not put her house up for sale as she is not comfortable living in the neighborhood anymore; that Mr. Brown's father or father in law has talked to her in a very threatening nature; that she is afraid to go to the mailbox and has barricaded her back gate with her car; that Jackson lives inside and does not go out unless he has to, when she is with him, and is wearing a shock collar; that Jackson is under constant supervision; and that she is moving as soon as she can.

Peggy Jordan (*could not hear last name*), who lives in Maple Ridge on Turnberry Lane in Muscogee County, was called as a witness, appeared before the Board and was sworn in by Mr. Taylor, who then asked her to explain what she knows about Jackson and the three attacks. Ms. Jordan said that she doesn't know anything about the attacks, except what Ms. Prater has told her; that Ms. Prater keeps her dog, Gabriel, a 7-pound Yorkie; and that Jackson just plays with Gabriel and is very friendly. In response to a question from Ms. Prater, Ms. Jordan said she is not afraid for Gabriel to be around Jackson.

At this point, Ms. Prater said that Jackson is not a pit bull, but according to the vet is a boxer mix.

Cindy Mahoney, citizen and sister of Ms. Prater, was called as a witness, appeared before the Board and was sworn in by Mr. Taylor, who asked her to explain what she knows about the dogs. Ms. Mahoney said that she originally found Jackson, but couldn't keep him, but for the short time she had him there were no problems with her other dogs; and that she has seen the other dog (Stafford) in the street and in Ms. Prater's yard. There no questions for Ms. Mahoney.

Mike Davidson, citizen and boyfriend of Ms. Prater, was called as a witness, appeared before the Board and was sworn in by Mr. Taylor, who asked him to explain what he knew about the incidents and Jackson. Mr. Davidson said that Jackson is a real good dog; that Jackson weights about 60 pounds; that the second time Jackson had Stafford by the ear; that he pried Jackson's jaws apart to get him lose, and he growled but did not threaten any other person; that the third time, he found Jackson in the woods with Stafford; that they were "tied up pretty good" and he just tapped him on the back and he took off; and that Jackson is not violent or vicious. Ms. Prater asked if it took a lot of effort to get Jackson loose, and Mr. Davidson said not that it didn't.

James Roddy, citizen and ex-husband of Ms. Prater, appeared before the Board and was sworn in by Mr. Taylor who asked him to explain what he knew about the incidents and Jackson. Mr. Roddy said that he did not witness any of the three incidents; that he has been around Jackson since Ms. Prater has had him; that he is not aggressive and is only after the one dog (Stafford); that the other dog is free to roam the neighborhood and defecates beside the fence; and that whenever Jackson gets out, he goes after that dog. There were no questions for Mr. Roddy.

Mr. Taylor asked Ms. Prater if she wished to make a statement to the Board.

Ms. Prater said that Jackson is a good dog; that she could not take him to the pound when she first got him; that she could not find a home for him; that she just could not put him to sleep; that he does stay in the house now and goes outside under supervision; and that she is moving as soon as possible and they shouldn't be a problem much longer.

Mr. Taylor asked the Board if there were any questions for Ms. Prater. There were none.

Mr. Taylor asked the Board if there were any questions for Mr. Geter. Chairman Lange asked if the incidents took place in a subdivision and if leash laws applied. Mr. Geter said that he did not know how many homes were in the neighborhood, and Ms. Prater she said there were more than 10 homes but she didn't know the acreage.

There being no further comments, Mr. Taylor turned the hearing back over to Chairman Lange and reminded the Board that it could uphold the dangerous dog classification or to reverse the determination. Mr. Taylor reviewed the requirements for owning a dangerous dog, in the event the determination is upheld.

In response to a question from Commissioner Woods, Mr. Taylor said the determination of a dangerous dog is for Harris County and that if Ms. Prater moves to another county, he recalls that she must notify the County of same, but is not certain.

Chairman Lange closed the hearing, and he asked for a motion.

Commissioner Loudermilk said that the evidence is uncontroverted; that the dog, Jackson, has without provocation inflicted severe injury on another domestic animal on private property by aggressively biting and attacking the animal, and he made the motion to uphold the dangerous dog classification of Jackson. The motion was seconded by Commissioner Woods, and passed unanimously.

ADJOURNMENT

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk